



February 22, 2008

ENGROSSED HOUSE BILL No. 1219

DIGEST OF HB 1219 (Updated February 21, 2008 10:34 am - DI 73)

Citations Affected: IC 22-4.

Synopsis: Unemployment insurance. Authorizes payment to certain state educational institutions for specific training programs from the special employment and training services fund.

Effective: July 1, 2008.

Tyler, Stilwell, Koch, Austin

(SENATE SPONSORS — KRUSE, TALLIAN, ARNOLD)

January 14, 2008, read first time and referred to Committee on Labor and Employment.
January 24, 2008, amended, reported — Do Pass.
January 28, 2008, read second time, ordered engrossed. Engrossed.
January 29, 2008, read third time, passed. Yeas 56, nays 41.

SENATE ACTION

February 4, 2008, read first time and referred to Committee on Pensions and Labor.
February 14, 2008, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 21, 2008, amended, reported favorably — Do Pass.

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February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1219

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-4-25-1, AS AMENDED BY P.L.2-2007,
2 SECTION 293, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) There is created in the state
4 treasury a special fund to be known as the special employment and
5 training services fund. All interest on delinquent contributions and
6 penalties collected under this article, together with any voluntary
7 contributions tendered as a contribution to this fund, shall be paid into
8 this fund. The money shall not be expended or available for
9 expenditure in any manner which would permit their substitution for
10 (or a corresponding reduction in) federal funds which would in the
11 absence of said money be available to finance expenditures for the
12 administration of this article, but nothing in this section shall prevent
13 said money from being used as a revolving fund to cover expenditures
14 necessary and proper under the law for which federal funds have been
15 duly requested but not yet received, subject to the charging of such
16 expenditures against such funds when received. The money in this fund
17 shall be used by the board for the payment of refunds of interest on

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delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures; except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands so acquired which are deemed necessary by the board for the proper administration of this article. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the

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department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(d) (b) Whenever the balance in the special employment and training services fund is deemed excessive by the board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

(e) (c) Subject to the approval of the board **and the availability of funds on July 1, 2008**, the commissioner may use not more than five release:

- (1) million dollars (\$5,000,000) during a program year **for two hundred fifty thousand dollars (\$250,000) to the training** provided by Ivy Tech Community College to participants in joint labor and management apprenticeship programs approved **providers of apprenticeship training approved** by the United States Department of ~~Labor's~~ **Labor**, Bureau of Apprenticeship and Training ~~Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs, and the remaining fifty (50%) percent is designated for building trade programs. that have an educational contract for an apprenticeship technology degree with the state educational institution established under IC 21-25-2-1; and~~
- (2) one million dollars (\$1,000,000) to the training providers of apprenticeship training approved by the United States

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1 Department of Labor, Bureau of Apprenticeship and Training
2 that have an educational contract for an apprenticeship
3 technology degree with the state educational institution
4 instituted and incorporated under IC 21-22-2-1.

5 Each state educational institution described in this subsection is
6 entitled to keep two percent (2%) of the funds released under
7 subdivisions (1) through (3) for the payment of costs of
8 administering the funds. On each June 30 following the release of
9 the funds, any funds under subdivisions (1) through (3) not used by
10 the state educational institutions under this subsection shall be
11 returned to the special employment and training services fund.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "by" and insert "**pursuant to**".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 3. IC 22-4-25-1, AS AMENDED BY P.L.2-2007, SECTION 293, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. ~~No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures; except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands so acquired which are deemed necessary by the board for the proper administration of this article.~~ The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn

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by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and

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maintenance thereof as was expended from the special employment and training services fund has been returned to such fund:

~~(d)~~ **(b)** Whenever the balance in the special employment and training services fund is deemed excessive by ~~the sixty-six and two-thirds percent (66 2/3%) of the entire~~ board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

~~(e)~~ **(c)** Subject to the approval of the board **and the availability of funds, on July 1, 2008, and each subsequent July 1,** the commissioner may ~~use not more than five~~ **shall release:**

(1) one (1) million dollars (\$5,000,000) during a program year for (\$1,000,000) to the training provided by Ivy Tech Community College to participants in joint labor and management apprenticeship programs approved providers of apprenticeship training approved by the United States Department of Labor's Labor, Bureau of Apprenticeship and Training Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs; and the remaining fifty (50%) percent is designated for building trade programs that have an educational contract for an apprenticeship technology degree with the state educational institution established under IC 21-22-2-1;

(2) four million dollars (\$4,000,000) to the training providers of apprenticeship training approved by the United States Department of Labor, Bureau of Apprenticeship and Training that have an educational contract for an apprenticeship technology degree with the state educational institution instituted and incorporated under IC 21-25-2-1; and

(3) two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2).

Each state educational institution described in this subsection is entitled to keep ten percent (10%) of the funds released under subdivisions (1) through (3) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds under subdivisions (1) through (3) not used by

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the state educational institutions under this subsection shall be returned to the special employment and training services fund."

Page 3, line 6, delete "June 30, 2008." and insert "**March 1, 2007.**".

and when so amended that said bill do pass.

(Reference is to HB 1219 as introduced.)

NIEZGODSKI, Chair

Committee Vote: yeas 5, nays 3.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 3.

Page 5, line 19, delete "IC 21-22-2-1;" and insert "**IC 21-25-2-1;**".

Page 5, line 25, delete "IC 21-25-2-1;" and insert "**IC 21-22-2-1;**".

Page 5, delete lines 36 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1219 as printed January 25, 2008.)

KRUSE, Chairperson

Committee Vote: Yeas 4, Nays 3.

SENATE MOTION

Madam President: I move that Senators Tallian and Arnold be added as cosponsors of Engrossed House Bill 1219.

KRUSE

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 22, reset in roman "the".
 Page 3, line 22, delete "sixty-six and".
 Page 3, line 23, delete "two-thirds percent (66 2/3%) of the entire".
 Page 3, line 28, after "funds" delete ",".
 Page 3, line 28, delete "and each subsequent July 1,".
 Page 3, line 29, reset in roman "may".
 Page 3, line 29, delete "shall".
 Page 3, line 30, delete "one (1)".
 Page 3, line 30, strike "million dollars".
 Page 3, line 31, delete "(\$1,000,000)" and insert **"two hundred fifty thousand dollars (\$250,000)"**.
 Page 3, line 41, after "IC 21-25-2-1;" insert **"and"**.
 Page 3, line 42, delete "four" and insert **"one"**.
 Page 3, line 42, delete "(\$4,000,000)" and insert **"(\$1,000,000)"**.
 Page 4, line 5, after "IC 21-22-2-1" delete "; and" and insert ".".
 Page 4, delete lines 6 through 8.
 Page 4, line 10, delete "ten" and insert **"two"**.
 Page 4, line 10, delete "(10%)" and insert **"(2%)"**.

and when so amended that said bill do pass.

(Reference is to EHB 1219 as printed February 15, 2008.)

MEEKS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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